

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CLARKSON RECOVERY CORP.,

Plaintiff,

v.

BOLEK RYZINSKI and LUKAS MACNIAK,

Defendants.

20 Civ. 4336 (MKV)

**DECLARATION OF CHRISTOPHER B. HARWOOD IN SUPPORT OF PLAINTIFF
CLARKSON RECOVERY CORP.'S MOTIONS FOR JUDGMENT ON THE
PLEADINGS AND TO DISMISS DEFENDANTS' COUNTERCLAIM**

CHRISTOPHER B. HARWOOD, pursuant to 28 U.S.C. § 1746, hereby declares:

1. I am a member of the Bar of this Court, a principal of the law firm of Morvillo Abramowitz Grand Iason & Anello P.C., and counsel for Plaintiff Clarkson Recovery Corp. ("Plaintiff") in the above-captioned action. I respectfully submit this declaration in support of Plaintiff's motion for judgment on the pleadings and to dismiss Defendants' counterclaim.

2. Attached as **Exhibit 1** is a true and correct copy of the Guaranty executed by the parties on April 10, 2019.

3. Attached as **Exhibit 2** are true and correct copies of invoices that ABR Builders, LLC ("ABR") submitted to 39 Clarkson Associates LLC ("39 Clarkson") from 2017-2018 for work on the construction project at 39 Clarkson Street, New York, NY.

4. Attached as **Exhibit 3** is a true and correct copy of an account statement, as well as images of checks, showing 39 Clarkson's payments to ABR in response to the invoices ABR submitted to 39 Clarkson (as reflected in Exhibit 2).

5. Attached as **Exhibit 4** are true and correct copies of images of text messages exchanged between 39 Clarkson's principal and Defendant Macniak on December 19 and 20, 2018.

6. Attached as **Exhibit 5** is a true and correct copy of a check in the amount of \$500,000 paid from LTN Capital Group, Inc. to ABR dated December 20, 2018.

7. Attached as **Exhibit 6** is a true and correct copy of an email exchange between Defendant Macniak and 39 Clarkson's principal dated March 11 and 12, 2019.

8. Attached as **Exhibit 7** is a true and correct copy of an email from Defendant Macniak to 39 Clarkson's principal dated May 6, 2019.

9. Attached as **Exhibit 8** is a true and correct copy of an email from Defendant Ryzinski to 39 Clarkson's principal dated January 16, 2020.

10. Attached as **Exhibit 9** is a true and correct copy of the New York State Department of State Division of Corporations Entity Information listing for Clarkson Associates LLC, reflecting that Clarkson Associates LLC also goes by the name 39 Clarkson Associates LLC.

11. Attached as **Exhibit 10** is a true and correct copy of the Agreement for Assignment and Assumption of Guaranty and Claims between Clarkson Associates LLC (*i.e.*, 39 Clarkson) and LTN Capital Group, Inc. dated May 29, 2019.

12. Attached as **Exhibit 11** is a true and correct copy of the Agreement for Assignment and Assumption of Guaranty and Claims between LTN Capital Group, Inc. and Plaintiff dated January 8, 2020.

13. Attached as **Exhibit 12** is a true and correct copy of a demand letter sent by Plaintiff to Defendants Ryzinski and Macniak dated January 17, 2020.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 6, 2020 in New York, New York.

/s/ Christopher B. Harwood
Christopher B. Harwood